

REMARKS/ARGUMENTS

Claims 40-77 are pending. Independent Claims 40, 65, and 76 have been amended.

Claims 40, 41, 46-48, 50-69, and 72-77 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/64180 to Del Sordo in view of U.S. Patent No. 6,963,736 to Tahtinen. Claims 49, 70, and 71 were rejected as unpatentable over Del Sordo in view of Applicant's admitted prior art. Claims 42 and 43 were rejected as unpatentable over Del Sordo in view of WO 98/50861 to Perlman. Claims 44 and 45 were rejected as unpatentable over Del Sordo and Perlman, and further in view of U.S. Patent No. 6,930,598 to Weiss.

Summary of Claim Amendments

Claim 40 has been amended to include the aspect that "the means for capturing data is structured and arranged to cause one or more components of the television system to be powered down after the first portion of data has been downloaded." Independent Claims 65 and 76 have been similarly amended. Support for these amendments is provided in the application as filed, in the paragraph bridging pages 23 and 24 of the specification.

Response to Rejections of Claims 40, 41, 46-48, 50-69, and 72-77 Under 35 U.S.C. 103(a) Based on Del Sordo in view of Tahtinen

Del Sordo describes a system for identifying programming code that is appropriate to the architecture and capabilities of a set-top box (STB) in a cable television system. In the STB of Del Sordo a single set of objects is downloaded. This is done only upon power-up of the terminal or upon receipt of a reset signal from an operator (page 9, lines 17 to 31). The STB of Del Sordo does not have an internal clock for monitoring the time, so that it can capture data at predetermined scheduled times. Hence, there is no way to load data portions from re-transmissions of changing content at times according to a broadcast schedule. Furthermore, there is no disclosure in Del Sordo of downloading data portions that are specifically adapted to provide interactive television services such as games, music, or information services.

Appl. No.: 10/560,631
Amdt. dated July 9, 2009
Reply to Office Action of January 9, 2009

In view of the above, it is clear that there is no teaching in Del Sordo of downloading conditionally linked data portions that are specifically adapted to provide interactive services to a user, the second portion being transmitted at a specified/scheduled time of availability, as required by the present claims. Nor is there any disclosure of means for monitoring the time and causing the means for capturing the second portion of data to be activated at the specified/scheduled time of availability.

Furthermore, Del Sordo fails to teach or suggest any means for capturing data that is operable to cause one or more components of the television system to be powered down after the first portion of data has been downloaded.

In summary, Del Sordo is merely concerned with the set-up of applications in a set top box and not the provision of interactive services that could be changing on a daily basis.

Tahtinen describes the downloading of DVB data, which in no way suggests or implies an intention to provide interactive television services. Tahtinen is primarily concerned with reducing power consumption of a DVB receiver. Specifically, Tahtinen teaches that power to the phase locked loop (PLL) part of the receiver can be maintained between data bursts, while other parts of the receiver can be turned off during such breaks between bursts.

However, neither Del Sordo nor Tahtinen discloses the *powering down of parts of a television system after downloading of a first data portion, and then capturing a conditionally linked second data portion*. This aspect of the claimed invention goes beyond a simple combination of Del Sordo and Tahtinen. In Del Sordo the linking of data is only for initialization of the STB, and so there would not have been a motivation to delay this for a time period that would make it worth powering down any part of the television system, as users are keen to have the initialization of the STB concluded as quickly as possible. Accordingly, it is submitted that Tahtinen would not have been combined with Del Sordo as suggested in the Office Action,

Appl. No.: 10/560,631
Amdt. dated July 9, 2009
Reply to Office Action of January 9, 2009

Furthermore, in Tahtinen there is no relationship or linking of first and second portions of data, and so the television system is not looking out specifically for a second portion of data, it is merely trying to pick up any data transmitted.

In view of the above, it is submitted that a combination of Del Sordo and Tahtinen would not have led a skilled person to the invention of Claim 40.

The same reasoning applies to independent Claims 65 and 76, which contain similar limitations to those noted above for Claim 40.

Therefore, it is submitted that independent Claims 40, 65, and 76 are patentable over Del Sordo and Tahtinen.

Dependent Claims 41, 46-48, 50-64, 66-69, 72-75, and 77 are likewise patentable because they include all of the limitations of their respective independent claims, and because the cited references fail to teach or suggest the combination of such limitations with the additional limitations of the dependent claims.

Response to Rejections of Claims 49, 70, and 71 Based on Del Sordo in view of Admitted Prior Art

Claims 49, 70, and 71 depend from Claims 40 and 65, respectively. The Office Action conceded that Del Sordo alone does not teach all of the limitations of Claims 40 and 65, nor does the Applicant's admitted prior art supply the missing limitations. Therefore, the Office Action has failed to make out a proper *prima facie* rejection against Claims 49, 70, and 71.

Response to Rejections of Claims 42 and 43 Based on Del Sordo in view of Perlman

Claims 42 and 43 depend from Claim 40. The Office Action conceded that Del Sordo alone does not teach all of the limitations of Claim 40, nor does Perlman supply the missing limitations. Therefore, the Office Action has failed to make out a proper *prima facie* rejection against Claims 42 and 43.

Appl. No.: 10/560,631
Amdt. dated July 9, 2009
Reply to Office Action of January 9, 2009

Response to Rejections of Claims 44 and 45 Based on Del Sordo in view of Perlman and Weiss

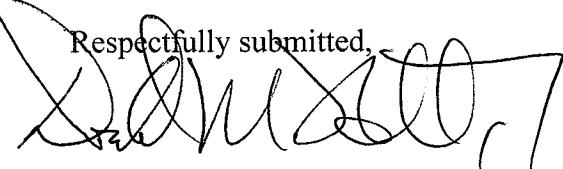
Claims 44 and 45 depend from Claim 40. The Office Action conceded that Del Sordo alone does not teach all of the limitations of Claim 40, nor do Perlman and Weiss supply the missing limitations. Therefore, the Office Action has failed to make out a proper *prima facie* rejection against Claims 44 and 45.

* * *

Conclusion

Based on the above amendments and remarks, it is respectfully submitted that the rejections have been overcome and the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.


Respectfully submitted,

Donald M. Hill, Jr.
Registration No. 40,646

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JULY 9, 2009.